

REMARKS/ARGUMENTS

This is a reply to the Office Action dated February 23, 2007 in which the Patent Office has required Applicants to elect a single disclosed species for prosecution on the merits amongst the following groups:

Group I: claims 12-15, drawn to the method of supplying including steps of preparing the roll in a dispenser,

Group II: claims 16-19, drawn to the method of supplying including steps of cutting and sealing, and

Group III: claim 22, drawn to a method of supplying including the step of wrapping a medical instrument.

Claims 11, 20, and 21 were indicated to be generic.

Applicants elect Group I with traverse.

Claims 12-15 are readable on the elected species.

The traversal is based on the grounds that the species I, II, and III are not patentably distinct. The Office Action asserts that the inventions I, II, and III are not capable of use together, do not overlap in scope, and are not obvious variants. However, the Office Action does not indicate why there would be a serious burden on the Patent Office if election/restriction is not required (M.P.E.P. §§§ 808, 808.01(a), 808.02). In particular, the Office Action does not show a serious burden on the Patent Office to examine Groups I, II and III together by explanation via one of the following: separate classification thereof; a separate status in the art when they are classifiable together; and or a different field of search. Applicants submit that the lack of such explanations in the Office Action is evidence of record that the Groups I, II, and III are not distinct. According to the MPEP, “[w]here, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions” (M.P.E.P. § 808.02). There is no evidence of record that this direction does not apply presently.

In view of the above, reconsideration of the species election requirement and further examination on the merits are respectfully requested.

U.S. Patent Application No. 10/797,368
Reply to Office Action dated February 23, 2007

If the Examiner believes that a teleconference would be useful in expediting the prosecution of this application, the official is kindly invited to contact Applicant's undersigned representative of record.

Respectfully submitted,

/Ramon R. Hoch/

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